

## PUBLIC SAFETY DEPARTMENT[661]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of 2008 Iowa Acts, chapter 1094, the State Fire Marshal hereby gives Notice of Intended Action to adopt new Chapter 276, "Licensing of Fire Protection System Installers and Maintenance Workers," Iowa Administrative Code.

During its 2008 session, the Iowa General Assembly enacted House File 2646, which establishes a new licensing program for fire protection system installers and maintenance workers within the Fire Marshal Division of the Department of Public Safety. This law, which is now known as 2008 Iowa Acts, chapter 1094, was amended during the 2009 session by 2009 Iowa Acts, House File 400. The amended law requires that persons engaged in installation or maintenance of fire protection systems on or after January 1, 2010, be licensed under the program.

The rules proposed herein would provide for the establishment and administration of the licensing program, including licensing requirements, license fees, insurance and bonding requirements, disciplinary action against licensees, application forms, examination procedures, and procedures for reporting violations of these rules.

A public hearing on these proposed rules will be held on October 15, 2009, at 8:30 a.m. in the First Floor Conference Room (Room 125), State Public Safety Headquarters Building, 215 East 7th Street, Des Moines, Iowa 50319. The building and conference room are fully accessible. Persons may present their views orally or in writing at the public hearing. Persons who wish to make oral presentations at the public hearing should contact the Agency Rules Administrator, Iowa Department of Public Safety, State Public Safety Headquarters Building, Des Moines, Iowa 50319, by mail; by telephone at (515)725-6185; or by electronic mail to [admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us), at least one day prior to the public hearing.

Any written comments or information regarding these proposed rules may be directed to the Agency Rules Administrator by mail or electronic mail at the addresses indicated by 4:30 p.m. on October 15, 2009, or submitted at the public hearing.

The rules proposed herein are subject to the general waiver provisions which apply to rules of the Fire Marshal.

These rules are intended to implement 2008 Iowa Acts, chapter 1094, as amended by 2009 Iowa Acts, House File 400.

The following amendment is proposed.

Adopt the following **new** 661—Chapter 276:

#### CHAPTER 276

#### LICENSING OF FIRE PROTECTION SYSTEM INSTALLERS AND MAINTENANCE WORKERS

**661—276.1(100D) Establishment of program.** There is established within the fire marshal division a fire protection system installer and maintenance worker licensing program. The program is established pursuant to 2008 Iowa Acts, chapter 1094, as amended by 2009 Iowa Acts, House File 400.

**276.1(1) Licensing required.** No person shall act as a fire protection system installer and maintenance worker without being currently licensed as a fire protection system installer and maintenance worker by the fire marshal, except for the following as provided in 2008 Iowa Acts, chapter 1094, section 12, as amended by 2009 Iowa Acts, House File 400:

a. A person licensed as a professional engineer pursuant to Iowa Code chapter 542B who is providing consultation or develops plans or other work concerning the installation or design of fire protection systems shall not be required to be licensed pursuant to this chapter.

b. A person who is employed full-time by a school corporation, hospital, or public facility and who performs fire sprinkler maintenance work involving no more than one sprinkler head or nozzle shall not be required to be licensed pursuant to this chapter.

c. A person who is licensed as a plumber pursuant to Iowa Code chapter 105 who is performing work within the scope of that license shall not be required to be licensed pursuant to this chapter.

d. A person who is an employee of a fire extinguishing system contractor which is certified pursuant to Iowa Code chapter 100C and who is working as an apprentice sprinkler fitter under the direct supervision of a licensed fire sprinkler installer and maintenance worker who is on site while the work is being performed shall not be required to be licensed pursuant to this chapter.

e. A person who installs or demolishes walls, ceilings, insulation, or associated materials or a person who demolishes sprinkler pipe shall not be required to be licensed pursuant to this chapter, unless the work involves a complete sprinkler system.

f. A person who is a responsible managing employee of a fire extinguishing system contractor certified pursuant to Iowa Code chapter 100C shall not be required to be licensed pursuant to this chapter.

**276.1(2) Endorsement.** The license of each installer and maintenance worker shall carry an endorsement for one or more of the following:

a. Automatic sprinkler system installation and maintenance;

b. Special hazards fire suppression system installation and maintenance;

c. Installation and maintenance of preengineered dry chemical or wet agent fire protection systems;

d. Installation and maintenance of preengineered water-based fire protection systems in one- and two-family dwellings;

e. Any combination thereof.

Any person acting as a fire protection system installer and maintenance worker shall do so only in relation to systems covered by the endorsements on the person's license.

**276.1(3) Length of licensure.** Licensure shall normally be for two years and shall expire on December 31 of the year following the issuance of the license. A license which is effective on a date other than January 1 shall be effective on the date on which the license is issued and shall expire on December 31 of the year following the year in which the license is issued. The fee for licenses issued for less than a full two-year period shall be prorated on the basis of the number of quarters for which the license shall be in effect.

**276.1(4) Inquiries.** Inquires regarding the fire protection system installer and maintenance worker licensing program may be addressed to:

Fire Protection System Installer and Maintenance Worker Licensing Program

Fire Marshal Division

Iowa Department of Public Safety

215 East 7th Street

Des Moines, Iowa 50319

Inquiries may be addressed by electronic mail to [fesccp@dps.state.ia.us](mailto:fesccp@dps.state.ia.us); by telephone to (515)725-6145; or by facsimile to (515)725-6172.

**661—276.2(100D) Definitions.** The following definitions apply to rules 661—276.1(100D) through 661—276.6(100D):

*“Apprentice sprinkler fitter”* means a person who is engaged in learning the fire protection system industry trade under the direct supervision of a certified fire extinguishing system contractor or licensed fire sprinkler installer and maintenance worker and who is registered with the United States Department of Labor, Bureau of Apprenticeship Training.

*“Department”* means the department of public safety.

*“Fire extinguishing system contractor”* means a person or persons engaging in or representing oneself to the public as engaging in the activity or business of layout, installation, repair, service, alteration, addition, testing, maintenance, or maintenance inspection of automatic fire extinguishing systems in this state, as defined in Iowa Code section 100C.1, and who is certified pursuant to Iowa Code chapter 100C.

*“Fire protection system”* means a sprinkler, standpipe, hose system, special hazard system, dry systems, foam systems, or any water-based fire protection system, either manually or automatically activated, used for fire protection purposes that is composed of an integrated system of underground and overhead piping connected to a water source. For licensing purposes only, “fire protection system” does not include the water service piping to a structure or building from a city water main.

*“Fire protection system installation”* means to set up or establish for use in an indicated space a fire protection system.

*“Fire protection system maintenance”* means to provide repairs, including all inspections and tests, required to keep a fire protection system and its component parts in an operative condition at all times, and the replacement of the system or its component parts when they become undependable or inoperable.

*“Fire sprinkler installer and maintenance worker”* means a person who, having the necessary qualifications, training, experience, and technical knowledge, conducts fire protection system installation and maintenance, and who is licensed by the department.

*“Listed”* means equipment, materials, or services included in a list published by a nationally recognized independent testing organization concerned with evaluation of products or services that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services and whose listing states that either the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose.

*“Temporary license”* means a license issued to a fire sprinkler protection system installer and maintenance worker who is licensed or certified in another state and who will perform work in Iowa only within areas covered by a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6.

**661—276.3(100D) Licensing requirements.** A fire protection system installer and maintenance worker shall meet all of the following requirements in order to receive a license from the fire marshal and shall continue to meet all requirements throughout the period of licensure. A licensee shall notify the fire marshal, in writing, on a form designated by the fire marshal, within 30 calendar days if the licensee fails to meet any requirement for certification.

**276.3(1)** The licensee shall maintain general and complete operations liability insurance covering any work that the licensee is authorized to perform pursuant to any endorsements on the license in the following amounts: \$500,000 per person, \$1,000,000 per occurrence, and \$1,000,000 property damage.

*a.* The carrier of any insurance coverage maintained to meet this requirement shall notify the fire marshal 30 days prior to the effective date of cancellation or reduction of the coverage.

*b.* The licensee shall cease work immediately if the insurance coverage required by this subrule is no longer in force and other insurance coverage meeting the requirements of this subrule is not in force. A licensee shall not initiate any work which requires licensure pursuant to this chapter or to 2008 Iowa Acts, chapter 1094, as amended by 2009 Iowa Acts, House File 400, which cannot reasonably be expected to be completed prior to the effective date of the cancellation of the insurance coverage required by this subrule and of which the licensee has received notice, unless new insurance coverage meeting the requirements of this subrule has been obtained and will be in force upon cancellation of the prior coverage.

EXCEPTION: A licensee is not required to maintain insurance coverage provided that the licensee’s employer maintains insurance coverage equivalent to the requirements of this subrule.

**276.3(2)** The licensee shall maintain compliance with all other applicable provisions of law related to operation in the state of Iowa and of any political subdivision in which the licensee is performing work.

**276.3(3)** An applicant for a license shall meet the following training and experience requirements:

a. For endorsement for automatic sprinkler system installation and maintenance, the applicant shall show evidence of the following:

(1) Satisfactory completion of an apprenticeship program in fire sprinkler installation and maintenance approved by the United States Department of Labor, including four years of employment as an apprentice sprinkler fitter, and

(2) A passing score on either the United Association Star Fire Sprinkler Mastery Exam or on another examination administered by a nationally recognized third-party testing organization and approved as equivalent by the state fire marshal.

EXCEPTION: An applicant who was employed as a fire protection system installer as of July 1, 2008, may receive endorsement for automatic sprinkler system installation and maintenance upon submitting evidence of having completed 8500 hours of employment as a fire protection system installer and maintenance worker and any of the following:

1. Satisfactory completion of an apprenticeship program in fire sprinkler installation and maintenance of four or more years in duration, approved by the United States Department of Labor.

2. Passing the United Association Star Fire Sprinkler Mastery Exam or another examination administered by a nationally recognized third-party testing organization and approved as equivalent by the state fire marshal.

3. Certification by the National Institute for Certification in Engineering Technologies in automatic sprinkler system layout at level I, or another form of certification or testing administered by a nationally recognized organization and approved as equivalent by the state fire marshal.

b. For endorsement for special hazards fire suppression system installation and maintenance, the applicant shall show evidence of the following:

(1) Satisfactory completion of an apprenticeship program in installation and maintenance of special hazards fire protection systems of four or more years in duration, approved by the United States Department of Labor.

(2) Certification by the National Institute for Certification in Engineering Technologies in special hazards protection systems at level I, or another form of certification or testing by a nationally recognized organization approved as equivalent by the state fire marshal.

EXCEPTION 1: If the state fire marshal determines that no appropriate apprenticeship program is readily available, the fire marshal may allow the substitution of documentation of 8500 hours or more of employment in installing and maintaining special hazards systems in lieu of meeting the apprenticeship requirement.

EXCEPTION 2: An applicant who was employed as a fire protection system installer as of July 1, 2008, may receive endorsement for automatic sprinkler system installation and maintenance upon submitting evidence of having completed 8500 hours of employment as a fire protection system installer and maintenance worker and either of the following:

1. Satisfactory completion of an apprenticeship program in installation and maintenance of special hazards fire protection systems of four or more years in duration, approved by the United States Department of Labor.

2. Certification by the National Institute for Certification in Engineering Technologies in special hazards systems installation and maintenance at level I, or another form of certification or testing administered by a nationally recognized organization and approved as equivalent by the state fire marshal.

c. For endorsement for installation and maintenance of preengineered dry chemical or wet agent fire protection systems, the applicant shall show evidence of the following:

(1) Satisfactory completion of an apprenticeship program in installation and maintenance of preengineered dry chemical or wet agent fire protection systems of four or more years in duration, approved by the United States Department of Labor, and

(2) Certification by the National Institute for Certification in Engineering Technologies in special hazards protection systems at level I, certification by the National Association of Fire Equipment Distributors in preengineered kitchen fire suppression systems or preengineered industrial fire

suppression systems, or another form of certification or testing by a nationally recognized organization approved as equivalent by the state fire marshal.

EXCEPTION 1: If the state fire marshal determines that no appropriate apprenticeship program is readily available, the fire marshal may allow the substitution of documentation of 8500 hours or more of employment in installing and maintaining special hazards systems in lieu of meeting the apprenticeship requirement.

EXCEPTION 2: An applicant who was employed as a fire protection system installer as of July 1, 2008, may receive endorsement for installation and maintenance of preengineered dry chemical or wet agent fire protection systems upon submitting evidence of having completed 8500 hours of employment as a fire protection system installer and maintenance worker and either of the following:

1. Satisfactory completion of an apprenticeship program in installation and maintenance of preengineered dry chemical or wet agent fire protection systems of four or more years in duration, approved by the United States Department of Labor.

2. Certification by the National Institute for Certification in Engineering Technologies in special hazards protection systems at level I, certification by the National Association of Fire Equipment Distributors in preengineered kitchen fire suppression systems or preengineered industrial fire suppression systems, or another form of certification or testing by a nationally recognized organization approved as equivalent by the state fire marshal.

d. For endorsement for installation of preengineered water-based fire protection systems in one- and two-family dwellings, the applicant shall show evidence of the following:

- (1) Satisfactory completion of an apprenticeship program covering preengineered water-based fire protection systems of four or more years in duration, approved by the United States Department of Labor, and

- (2) Satisfactory completion of any training required by the manufacturer for installation of any system that the applicant will install.

EXCEPTION 1: If the state fire marshal determines that no appropriate apprenticeship program is readily available, the fire marshal may allow the substitution of documentation of 8500 hours or more of employment in installing and maintaining special hazards systems in lieu of meeting the apprenticeship requirement.

EXCEPTION 2: An applicant who was employed as a fire protection system installer as of July 1, 2008, may receive endorsement for installation of preengineered water-based fire protection systems in one- and two-family dwellings upon submitting evidence of having completed 8500 hours of employment as a fire protection system installer and maintenance worker and either of the following:

1. Satisfactory completion of an apprenticeship program covering preengineered water-based fire protection systems of four or more years in duration, approved by the United States Department of Labor.

2. Satisfactory completion of any training required by the manufacturer of any system which the applicant shall install.

**276.3(4)** Temporary license requirements. A person may be issued a temporary license upon submitting an application to the state fire marshal with proof of equivalent licensure or certification in another state, accompanied by the applicable fee. The state fire marshal may require the submission of any documentation of licensure or certification in another state that the state fire marshal deems necessary. A temporary license may only be used in an area which is or has been within the past 180 days subject to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6. A temporary license shall be in effect for 90 days from the date of issuance and may be renewed once for an additional 90 days.

#### **661—276.4(100D) Application and fees.**

**276.4(1)** *Application.* Any person seeking licensure as a fire protection system installer and maintenance worker shall submit a completed application form to the fire marshal. An application for an initial license shall be accompanied by a fingerprint card completed by the applicant and the fee for a national criminal history check, in addition to the applicable license fee. The application shall be filed no later than 30 days prior to the date on which licensure is required or on which an existing license

expires. An application form may be obtained from the fire marshal or from the Web site of the fire protection system installer and maintenance worker licensing program. The application form shall be submitted with all required attachments and the required license fee established in subrule 276.4(2). An application shall not be considered complete unless all required information is submitted, including required attachments and fees, and shall not be processed until it is complete.

NOTE: The Web site for the fire protection system installer and maintenance worker program is: [insert Web address at time of adoption of rules].

**276.4(2) License fee.**

a. The fee for a permanent or provisional license shall be \$250. If an application is denied, all except \$25 of the fee may be refunded if the applicant applies to the fire marshal for a refund. No refund of the license fee shall be made if the license is revoked or if the denial of the license is based on the applicant's knowingly including false or misleading information on the application. If an application for a license provides for more than one endorsement as provided in subrule 276.1(2), there shall be an additional fee of \$25 for each endorsement beyond the first.

b. The fee for a temporary license shall be \$50. A temporary license may be renewed once; the renewal fee shall be \$50.

**276.4(3) Payment.** The license fee shall be submitted by draft, check, or money order in the applicable amount payable to the Iowa Department of Public Safety. The memo portion of the check should have the following notation: "Fire Protection System Installer and Maintenance Worker Licensing Program."

**276.4(4) Amended license fee.** The fee for issuance of an amended license is \$25. The fee shall be submitted with a request for an amended license. A licensee shall request and the fire marshal shall issue an amended license for any of the reasons listed in paragraphs "a," "b," and "c":

a. A change in employer;

b. A change in insurance coverage; or

c. A change in any other material information included in or with the initial or renewal application.

A change of address is a material change. However, if the request for an amended license is solely for a change of business address, the former address of the business is in an area subject to a disaster emergency proclamation issued by the governor pursuant to Iowa Code section 29C.6, and the relocation occurs as a result of flooding or storm damage or other conditions which form a basis for the issuance of the disaster emergency proclamation, the fee shall not apply, although an amended license shall be issued.

d. Other changes in the information required in the application form, including renewal of insurance coverage with a new expiration date, shall be reported to the fire marshal but shall not require issuance of an amended license or payment of the amended license fee.

**276.4(5) Attachments.** Required attachments to the application for a license include, but are not limited to, the following:

a. Documentation verifying that the applicant has in force the insurance coverage required by subrule 276.3(1). The documentation shall include an acknowledgment that the contractor's insurance coverage extends to any work performed by the licensee within the scope of licensure pursuant to this chapter. The documentation may consist of a letter from the insurance carrier, a copy of the insurance certificate with an endorsement showing the required information, or a signed statement from the applicant's employer attesting that the employer has insurance coverage in effect equivalent to the coverage required by subrule 276.3(1).

b. If the application requests licensure based on work experience, the applicant shall attach a notarized affidavit attesting that the applicant has the required experience.

NOTE: An applicant may contact the fire protection system installer and maintenance worker licensing program for assistance with the wording of the affidavit.

**661—276.5(100D) Complaints.**

**276.5(1)** Complaints regarding the performance of any licensed fire protection system installer and maintenance worker; failure of a licensee to meet any of the requirements established in 2008 Iowa Acts,

chapter 1094, as amended by 2009 Iowa Acts, House File 400, or this chapter or any other provision of law; or persons operating as fire protection system installers and maintenance workers without licensure may be filed with the fire marshal. Complaints should be addressed as follows:

Fire Protection System Installer and Maintenance Worker Licensing Program  
Fire Marshal Division  
Iowa Department of Public Safety  
215 East 7th Street  
Des Moines, Iowa 50319

**276.5(2)** Complaints may be submitted by electronic mail to [fesccp@dps.state.ia.us](mailto:fesccp@dps.state.ia.us) or by facsimile to (515)725-6172.

**276.5(3)** Complaints should be as specific as possible and shall clearly identify the licensee or other person against whom the complaint is filed. Complaints shall be submitted in writing. A complaint may be submitted anonymously, but if the name and contact information of the complainant are provided, the complainant will be notified of the disposition of the complaint.

NOTE: The Web site for the fire protection system installer and maintenance worker licensing program is: [insert Web address at time of adoption of rules].

**661—276.6(100D) Denial, suspension, or revocation of certification; civil penalties; appeals.** The fire marshal may deny, suspend or revoke a license or assess a civil penalty to a licensee or to a person who performs work requiring licensure pursuant to this chapter and who is not licensed if any provision of these rules or any other provision of law related to work requiring licensure pursuant to this chapter is violated.

**276.6(1) Denial.** The fire marshal may deny an application for licensure:

a. If the applicant makes a false statement on the application form or in any other submission of information required for licensure. “False statement” means providing false information or failing to include material information, such as a previous criminal conviction or action taken by another jurisdiction, when requested on the application form or otherwise in the application process.

b. If the applicant fails to meet all of the requirements for licensure established in this chapter.

c. If the applicant is currently barred for cause from licensure equivalent to that provided for in this chapter in another jurisdiction.

d. If an applicant has previously been barred for cause from operating in another jurisdiction as a fire protection system installer and maintenance worker and if the basis of that action reflects upon the integrity of the applicant in operating as a fire protection system installer and maintenance worker. If an applicant is found to have been previously barred for cause from operating as a fire protection system installer and maintenance worker in another jurisdiction and is no longer barred from doing so, the fire marshal shall evaluate the record of that action with regard to the likelihood that the applicant would operate with integrity as a licensee. If an applicant is denied licensure under this provision, the applicant shall be notified of the specific reasons for the denial.

e. If the applicant has been convicted of a crime which reflects upon the integrity of the applicant in operating as a fire protection system installer and maintenance worker. If an applicant is found to have a criminal record, the fire marshal shall evaluate that record with regard to the likelihood that the applicant would operate with integrity as a licensee. If an applicant is denied licensure under this provision, the applicant shall be notified of the specific reasons for the denial.

**276.6(2) Suspension.** A suspension of a certification may be imposed by the fire marshal for any violation of these rules or 2008 Iowa Acts, chapter 1094, as amended by 2009 Iowa Acts, House File 400, or for a failure to meet any legal requirement to operate as a fire protection system installer and maintenance worker in this state. Failure to provide any notice to the fire marshal as required by these rules shall be grounds for suspension. An order of suspension shall specify the length of the suspension and shall specify that correction of all conditions which were a basis for the suspension is a condition of reinstatement of the license even after the period of the suspension.

**276.6(3) Revocation.**

*a.* A revocation is a termination of a license. A license may be revoked by the fire marshal for repeated violations or for a violation which creates an imminent danger to the safety or health of individuals protected by a fire protection system incorrectly installed by a licensee or when information comes to the attention of the fire marshal which, if known to the fire marshal when the application was being considered, would have resulted in denial of the license.

*b.* A new application for a license from an applicant whose license had previously been revoked shall not be considered for a new license for a period of one year after the effective date of the revocation and, in any event, until every condition which was a basis for the revocation has been corrected. The fire marshal may specify in the revocation order a period longer than one year before a new application for a license may be considered. When a new application for a license from a person whose license was previously revoked is being considered, the applicant may be denied a license based upon the same information which was the basis for revocation even after any such period established by the fire marshal has expired.

**276.6(4) Civil penalties.** The fire marshal may impose a civil penalty of up to \$500 per day during which a violation has occurred and for every day until the violation is corrected. A civil penalty may be imposed in lieu of or in addition to a suspension or may be imposed in addition to a revocation. A civil penalty shall not be imposed in lieu of a revocation.

**276.6(5) Suspension or revocation for nonpayment of child support.** The following procedures shall apply to actions taken by the fire marshal on a certificate of noncompliance received from the Iowa department of human services pursuant to Iowa Code chapter 252J:

*a.* The notice required by Iowa Code section 252J.8 shall be served upon the licensee by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the licensee may accept service personally or through authorized counsel.

*b.* The effective date of revocation or suspension of a license, as specified in the notice required by Iowa Code section 252J.8, shall be 60 days following service upon the licensee.

*c.* Licensees shall keep the fire marshal informed of all court actions and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J and shall provide the fire marshal with copies, within 7 days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

*d.* All applicable fees for an application or reinstatement must be paid by the licensee before a license will be issued, renewed, or reinstated after the fire marshal has denied the issuance or renewal of a license or has suspended or revoked a license pursuant to Iowa Code chapter 252J.

*e.* In the event a licensee files a timely district court action following service of a notice pursuant to Iowa Code sections 252J.8 and 252J.9, the fire marshal shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the fire marshal to proceed. For the purpose of determining the effective date of revocation or suspension of the license, the fire marshal shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

*f.* Suspensions or revocations imposed pursuant to this subrule may not be appealed administratively to the fire marshal or within the department of public safety.

NOTE: The procedures established in subrule 276.6(5) implement the requirements of Iowa Code chapter 252J. The provisions of Iowa Code chapter 252J establish mandatory requirements for an agency which administers a licensing program, such as the one established in this chapter, and provide that actions brought under these provisions are not subject to contested case procedures established in Iowa Code chapter 17A but must be appealed directly to district court.

**276.6(6) Suspension or revocation for nonpayment of debts owed state or local government.** The following procedures shall apply to actions taken by the fire marshal on a certificate of noncompliance received from the Iowa department of revenue pursuant to Iowa Code chapter 272D.



a. The notice required by Iowa Code section 272D.3 shall be served upon the licensee by regular mail.

b. The effective date of revocation or suspension of a license, as specified in the notice required by Iowa Code section 272D.3, shall be 20 days following service upon the licensee.

c. Licensees shall keep the fire marshal informed of all court actions and centralized collection unit actions taken under or in connection with Iowa Code chapter 272D and shall provide the fire marshal with copies, within 7 days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 272D.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the centralized collection unit.

d. All applicable fees for an application or reinstatement must be paid by the licensee before a license will be issued, renewed, or reinstated after the fire marshal has denied the issuance or renewal of a license or has suspended or revoked a license pursuant to Iowa Code chapter 272D.

e. In the event the licensee files a timely district court action following service of a notice pursuant to Iowa Code section 272D.8, the fire marshal shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the fire marshal to proceed. For the purpose of determining the effective date of revocation or suspension of the license, the fire marshal shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

f. Suspensions or revocations imposed pursuant to this subrule may not be appealed administratively to the fire marshal or within the department of public safety.

NOTE: The procedures established in subrule 276.6(6) implement the requirements of Iowa Code chapter 272D. The provisions of Iowa Code chapter 272D establish mandatory requirements for an agency which administers a licensing program, such as the one established in this chapter, and provide that actions brought under these provisions are not subject to contested case procedures established in Iowa Code chapter 17A but must be appealed directly to district court.

**276.6(7) Appeals.** Any denial, suspension, or revocation of a license, or any civil penalty imposed upon a licensee or other person under this rule, other than one imposed pursuant to subrule 276.6(5) or 276.6(6), may be appealed by the licensee or other person within 14 days of receipt of the notice. Appeals of actions taken by the fire marshal under this rule shall be to the commissioner of public safety and shall be treated as contested cases, following the procedures established in rules 661—10.301(17A) through 661—10.332(17A).

These rules are intended to implement 2008 Iowa Acts, chapter 1094, as amended by 2009 Iowa Acts, House File 400.